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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,162	10/23/2003	Johnny L. Knight	60-1	8358
28205	7590	04/19/2005	EXAMINER	
J. DEREL MONTEITH, JR. CARTER, SCHNEDLER & MONTEITH, P.A. 56 CENTRAL AVENUE, SUITE 101 P.O. BOX 2985 ASHEVILLE, NC 28802			LAVARIAS, ARNEL C	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/692,162	Applicant(s) KNIGHT, JOHNNY L.	
	Examiner Arnel C. Lavarias	Art Unit 2872	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings were received on 10/3/03. These drawings are acceptable.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Weishaupt (GB2119729A).

Weishaupt discloses a gauge glare and reflection reduction system (See Figures 1-3), comprising a gauge comprising a face (See for example 1, 2 in Figure 1); and a tinted panel through which the face of the gauge may be viewed (See 11 in Figures 2-3; Page 1, left column, lines 28-36; Page 1, right column, line 105-Page 2, left column, line 23).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weishaupt.

Weishaupt discloses the invention as set forth above in Claim 5, except for the gauge being in a motorcycle instead of a motor vehicle. However, it is quite well known in the art for motorcycles to include various instrument and indication gauges to display, for example, motorcycle speed, engine revolutions, gas level, oil pressure, battery voltage, etc. Thus, it would have been obvious to one having ordinary skill in the art to have the gauge of Weishaupt, be used in a motorcycle instrument panel, for the purpose of improving readability and overall appearance of the motorcycle instrument panel.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada (U.S. Patent Application Publication US2003/0048194A1) in view of Hawa et al. (U.S. Patent No. 6800378).

Wada discloses a gauge glare and reflection reduction system (See for example Figures 1-3), comprising a gauge comprising a face (See 1, 4 in Figures 1-2); a panel through which the face of the gauge may be viewed (See for example 21 in Figures 1, 3); and one or more elements configured for placement on the panel (See for example 22, 23, 24 in Figures 1, 3; Paragraphs 0020-0021, 0023-0025); the elements being sheets or films attached to a base substrate and designed for motor vehicle windows (It is noted that the base substrate 21 to which the one or more elements 22, 23, 24 are attached to is transparent and used in the instrument panel of a vehicle). Wada does not specifically disclose the one or more elements being tinting elements. However, it is well known in the art for polarizing, anti-glare, and anti-reflecting films to also exhibit tinting features.

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For example, Hawa et al teaches a conventional anti-reflection film (See Abstract; Figures 1-2) for use in various applications (See col. 3, lines 14-60), wherein any of the various layers comprising the antireflection film may be tinted with a suitable color (See col. 11, line 63-col. 12, line 7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the one or more elements in the system of Wada be tinting elements, as taught by Hawa et al., to impart a desired color to the elements, thus improving the aesthetics of the system.

7. Claims 4, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada in view of Hawa et al.

Wada in view of Hawa et al. discloses the invention as set forth above in Claims 1-3, except for the gauge being in a motorcycle instead of a motor vehicle. However, it is quite well known in the art for motorcycles to include various instrument and indication gauges to display, for example, motorcycle speed, engine revolutions, gas level, oil pressure, battery voltage, etc. Thus, it would have been obvious to one having ordinary skill in the art to have the gauge of Wada in view of Hawa et al., be used in a motorcycle instrument panel, for the purpose of improving readability and overall appearance of the motorcycle instrument panel.

8. Claim 7, 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada in view of Hawa et al. and Hall et al. (U.S. Patent Application Publication US2001/0035256A1).

Wada discloses a gauge glare and reflection reduction system and method for reducing glare and reflections associated with a gauge (See for example Figures 1-3), the system

and method both comprising (providing) a gauge comprising a face (See 1, 4 in Figures 1-2); and (providing) a panel through which the face of the gauge may be viewed (See for example 21 in Figures 1, 3). Wada further discloses one or more elements configured for placement on the panel (See for example 22, 23, 24 in Figures 1, 3; Paragraphs 0020-0021, 0023-0025), the elements being sheets or films attached to a base substrate and designed for motor vehicle windows (It is noted that the base substrate 21 to which the one or more elements 22, 23, 24 are attached to is transparent and used in the instrument panel of a vehicle). Wada does not specifically disclose means for tinting the panel, such as (providing) a sheet of window tinting material configured for placement on the panel. However, it is well known in the art for polarizing, anti-glare, and anti-reflecting films to also exhibit tinting features, and that such tinting features may be provided by a polymeric tinting film applied to the surface of any one of the polarizing, anti-glare, and anti-reflecting films. For example, Hawa et al teaches a conventional anti-reflection film (See Abstract; Figures 1-2) for use in various applications (See col. 3, lines 14-60), wherein any of the various layers comprising the antireflection film may be tinted with a suitable color (See col. 11, line 63-col. 12, line 7). Further, Hall et al. teaches a conventional method for providing a tint property or characteristic to a transparent substrate by cutting an appropriate size sheet of tinted polymeric film, positioning the cut, tinted polymeric film on the proper position on the substrate, and applying heat or adhering the cut, tinted polymeric sheet to the substrate (See for example Figures 1-2; Abstract; Paragraphs 0040-0046). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the system of Wada

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include means for tinting the panel, such as (providing) a sheet of window tinting material configured for placement on the panel, as taught by Hawa et al. and Hall et al., to impart a desired color to the elements while utilizing a reliable method which provides extremely uniform tinted coatings, thus improving the aesthetics of the system.

9. Claims 8, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wada in view of Hawa et al. and Hall et al.

Wada in view of Hawa et al. and Hall et al. discloses the invention as set forth above in Claims 7, 15-19, except for the gauge being in a motorcycle instead of a motor vehicle. However, it is quite well known in the art for motorcycles to include various instrument and indication gauges to display, for example, motorcycle speed, engine revolutions, gas level, oil pressure, battery voltage, etc. Thus, it would have been obvious to one having ordinary skill in the art to have the gauge of Wada in view of Hawa et al. and Hall et al., be used in a motorcycle instrument panel, for the purpose of improving readability and overall appearance of the motorcycle instrument panel.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 4995701 to Brown.

Brown is being cited to evidence conventional anti-glare devices and filters which include tint to reduce unwanted stray light rays reflected back at the observer (See for example Figures 1-2; col. 6, lines 50-59).

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U.S. Patent No. 6878425) to Gomes.

Gomes is being cited to evidence conventional polarized window films (See for example Figures 1-3) for use in various applications, wherein the polarized window films include a tint for reducing unwanted glare (See Abstract; col. 4, lines 5-16).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnel C. Lavarias whose telephone number is 571-272-2315. The examiner can normally be reached on M-F 9:30 AM - 6 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Arnel C. Lavarias
Patent Examiner
Group Art Unit 2872
4/15/05